

RESEARCH, EDUCATION & ECONOMICS (REE) ETHICS PROGRAM

Post-Employment Restrictions

References:

Post-Employment Restrictions <http://www.usda-ethics.net/rules/rule10.htm>

OGE Summary of Post Employment Restrictions

http://www.usoge.gov/pages/daeograms/dgr_files/2004/do04023a.html

OGE Publication, “*Understanding the Revolving Door: How Ethics Rules Apply to Your Job Seeking and Post-Government Employment*”

http://www.usoge.gov/pages/forms_pubs_otherdocs/fpo_files/pamphlets/phrevdoor_04.html

Background

All separating employees are subject to certain post-employment restrictions. The following is a **brief overview** of restrictions faced by Agency employees.

Definitions

PARTICULAR MATTER (for individuals currently employed by the Government): work related to, or stemming from, the employee's Government job (i.e. any investigation, application, request for ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding).

PARTICULAR MATTER (for purposes of post-employment considerations): work related to, or stemming from, the former employee's Government job (i.e. any investigation, application, request for ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding involving a specific party).

PROCUREMENT-RELATED WORK: the official work of any present or former employee who, by virtue of his/her position, has or had access to contract bid or proposal information or source selection information.

REPRESENTATION: knowingly communicating with, or appearing before, a current employee of the United States, on behalf of another person/organization with the intent to influence the Federal employee's/agency's actions in a specific matter.

SENIOR PERSONNEL: employees paid at or above Executive Schedule Level V.

SUBSTANTIAL PARTICIPATION: personal and significant involvement with a particular matter involving the following processes: decision, approval, disapproval, recommendation, the rendering of advice, investigation, etc. Significant involvement requires more than official responsibility over a particular matter. (For determinations of substantial participation, call your Ethics Advisor.)

Seeking Future Employment Prohibition

Employees may not take official action on a particular matter affecting the financial interests of an organization with which they are seeking or have an arrangement for a job. (Employees should review the [Standards of Ethical Conduct, Section 2635.604, Disqualification While Seeking Employment](#), prior to negotiating prospective employment with any organization dealt with in their official capacity.)

Restrictions *After* Leaving the Government

The following statutory prohibitions prevent Government employees from "switching sides" after leaving the Government.

LIFETIME BAN: prohibits an employee from representing anyone before the Government on a particular matter involving specific parties in which the employee participated personally and substantially while with the Government.

ONE-YEAR BAN: prohibits senior personnel (employees paid at or above Executive Schedule Level V) from making a communication with the intent to influence any office or employee of the Department on a Government matter.

TWO-YEAR BAN: prohibits an employee from representing another person on a particular matter involving specific parties which was pending under the employee's supervision/responsibility for the last year of the employee's Government service.

Procurement Related Restrictions

Separated employees are prohibited from participating on behalf of a contractor in negotiations that they participated in personally and substantially, or personally approved and reviewed for the Government as follows:

IF FEDERAL EMPLOYMENT ENDED:	THEN THE EMPLOYEE IS PROHIBITED FROM CONTRACT PARTICIPATION FOR A PERIOD OF:
before January 1, 1997	2 years
on or after January 1, 1997, and the contract is in excess of \$10,000,000	1 year

Penalties

A former employee who violates the post-employment restrictions is subject to the following penalties.

NUMBER	PENALTY
1	Imprisonment not to exceed 5 years/or a fine not to exceed \$50,000 for each violation, or the amount the person received for the prohibited conduct, whichever is greater.
2	Injunction prohibiting a former employee from engaging in conduct that violates the post-employment restrictions.

THIS INFORMATION SERVES AS A GUIDE ONLY.

For informal assistance in interpreting and applying post-employment restrictions, call your individual Ethics Advisor or the REE Ethics Office. For information regarding procurement-related restrictions, see the [Federal Acquisition Regulation, Part 3](#) - Improper Business Practices and Personal Conflicts of Interest.